

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

HIGH 5 SPORTSWEAR, INC.,	:	Case No. 3:15-cv-00401
Plaintiff,	:	Judge Thomas M. Rose
v.	:	
HIGH 5 GEAR, INC.,	:	
Defendant/Third-Party Plaintiff,	:	
v.	:	
SELECTIVE INSURANCE COMPANY OF AMERICA,	:	
Third-Party Defendant.	:	
	:	

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**ENTRY AND ORDER ON PLAINTIFF HIGH 5 SPORTSWEAR, INC.  
AND DEFENDANT H5G, LLC'S JOINT RESPONSE (DOC. 43)  
TO THE COURT'S ORDER TO SHOW CAUSE (DOC. 42)**

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This case is before the Court on the Joint Response (Doc. 43) filed by Plaintiff High 5 Sportswear, Inc. (“High Five”) and Defendant H5G, LLC (“H5G”) to the Court’s Order to Show Cause (Doc. 42) why its Order denying H5G’s Motion to Dismiss for Lack of Personal Jurisdiction should not be unsealed. The Court filed its Order denying H5G’s Motion to Dismiss under seal because it contained sales and revenue information from High Five’s Opposition, which the Court had permitted to be filed under seal. Upon review, however, the Court questioned whether its Order denying H5G’s Motion to Dismiss contained information that required sealing in light of the Sixth Circuit’s most recent discussion of the applicable standard in *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, No. 15-1544, 2016 WL 3163073, at

\*4 (6th Cir. June 7, 2016). In response, both High Five and H5G assert that the Court's Order contains confidential business information that, if disclosed, could be used by H5G's competitors in attempts to seize its market share. At this time, the Court will permit its Order denying H5G's Motion to Dismiss to remain sealed, but the Court may revisit this issue if it arises in the future, such as on a dispositive motion filed after the close of discovery.

**DONE** and **ORDERED** in Dayton, Ohio, this Thursday, August 18, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE